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June 1, 1998

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**EX PARTE PRESENTATION**

**RECEIVED**

JUN 1 - 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Re: *In the Matter of Implementation of the Telecommunications Act of 1996:  
Telecommunications Carriers' Use of Customer Proprietary Network  
Information and Other Customer Information, CC Docket No. 96-115*

Dear Ms. Salas:

This letter responds to an inquiry regarding the rates, terms, and conditions under which SBC's telephone operating companies, Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell, provide publishers with subscriber list information. The provision of such information is governed by section 222(e) of the Communications Act of 1934, as amended, which states: "a telecommunications carrier . . . shall provide subscriber list information . . . on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format." 47 U.S.C. § 222(e).

Southwestern Bell offers two products for the purpose of publishing telephone directories – one is called "Directory Listing Information Agreements" and the other is known as "Licensing Agreements". These products are not tariffed offerings. Southwestern Bell charges \$0.25 per listing, a \$100 administrative fee (to cover programming and processing costs), a \$25 tape use fee (if applicable), and any shipping charges.

Pacific Bell offers a tariffed product called "Reproduction Rights" for the purpose of publishing telephone directories. The charge is \$0.10 per listing. Pacific Bell offers the product on several media – magnetic tape, diskette, or paper – at the customer's option.

Nevada Bell offers a tariffed product also known as "Reproduction Rights" (relevant tariff pages are enclosed). For each issue of a vendor directory there is a \$100 non-recurring charge to cover administrative costs. For each 1,000 listings or fraction thereof there is a \$200 non-recurring charge.

cc: [unclear] [unclear]

021



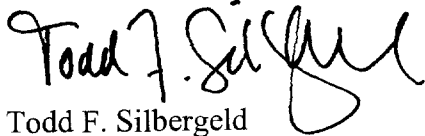
Ms. Magalie Roman Salas

June 1, 1998

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In accordance with the Commission's rules governing ex parte communications, an original and two copies are provided herewith. Please contact me should you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd F. Silbergeld". The signature is fluid and cursive, with the first name "Todd" and last name "Silbergeld" clearly legible.

Todd F. Silbergeld  
Director-Federal Regulatory

Enclosure

cc: Mr. Patrick Donovan  
Mr. David Konuch



Nevada Bell  
645 E. Plumb Lane, Reno, Nevada  
Tariff P.S.C.N. No. A5.

Original Page No. 68.6  
Cancelling Page No. 1.

#### A5. EXCHANGE SERVICES

##### 5.7 DIRECTORY SERVICES

##### 5.7.4 TELEPHONE DIRECTORY REPRODUCTION RIGHTS

(N)

###### A. DESCRIPTION

This offering authorizes a publisher, as described herein, to reproduce names, addresses and telephone numbers of this Utility's customers contained in Utility's telephone directories. Such reproduction rights do not include names, addresses, telephone numbers, art work, headings and other materials contained in this Utility's classified "yellow page" directories and directory sections or other utilities customers listed in this Utility's directories.

###### B. REGULATIONS

1. Customer Telephone Directories are generally published annually.
2. This offering is limited to publishers engaged in the business of publishing a general directory for general public use and distribution and may not be used by such publishers or anyone else for any other purpose. The publisher can only use the provided list within 120 days from the date of purchase. The publisher shall sign a contract with the Utility agreeing to the above stated rule.
- a. As a condition of this offering, the publisher shall obtain in its own name an effective copyright covering each such directory published pursuant to this offering and shall use its best efforts to maintain, protect and enforce each such copyright by any means necessary, including litigation. This shall not restrict, impair or in any way diminish the proprietary interest of the Utility in the information supplied to the publisher, and the Utility may copyright any and all directories published by it without regard to the prior publication and copyright of the publisher's general directory.
- b. A general directory is defined as a publication normally distributed periodically to the public which contains a classified compilation of a number of individuals or concerns together with their respective telephone numbers and advertisements regarding their products or services. These directories may also contain an associated compilation of telephone customer's names, addresses and telephone numbers.
3. Publishers shall not permit anyone but their employees or authorized representatives to inspect, use or reproduce any information furnished hereunder. Reproduction rights in this offering are nonassignable and nontransferrable.

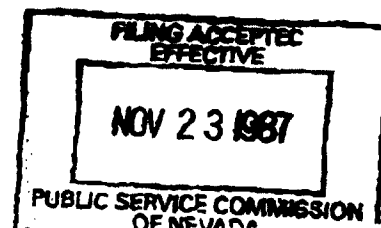
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Issued: DEC 2 1986

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President

Effective:

Advice No. 1447





A5. EXCHANGE SERVICES

5.7 DIRECTORY SERVICES (Cont'd)

5.7.4 TELEPHONE DIRECTORY REPRODUCTION RIGHTS (Cont'd)

B. REGULATIONS (Cont'd)

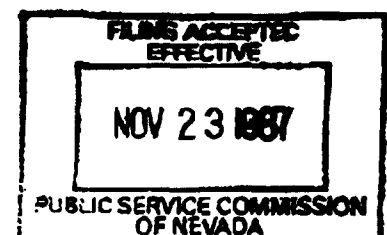
4. The Utility assumes no responsibility or liability for any error in the information furnished. The publisher shall indemnify the Utility and hold it free and harmless of and from any and all claims, demands or damages that shall or may arise from the use of the offering.
5. The Utility reserves the right to discontinue any of its directories in whole or part, to rearrange or change any such directory in whole or in part or to split or combine one or more of such directories as it deems necessary in the ordinary conduct of its business.
6. Charges in C. following, for this offering include furnishing a single current copy of the listings requested on magnetic tape, microfiche or printed copy.
7. The publisher shall furnish a copy of any published directory containing any listing information furnished hereunder to the Utility within 10 days following publication. The Utility may refuse to furnish reproduction rights henceforth to any publisher who fails to comply with this provision.
8. The following charges are based in part on the estimated number of listings the publisher expects to include in one or more general directories and are payable in advance or the Utility may, at its discretion, accept a guarantor to secure payment. The Utility, within 40 days following publication of one or more such directories, shall:
  - a. Refund or bill, as appropriate, any difference between the estimated amount collected and the applicable charge or,
  - b. Where a guarantor has been accepted, determine the applicable charge, advise the guarantor of such applicable charge and bill the publisher that amount.
9. Each listing or line of information furnished by the Utility with or without additional charge in accordance with its tariffs and included in a publisher's general directory will be counted to determine the charge for each 1,000 listings or fractions thereof. This charge applies separately to each separate general directory containing any listing information furnished hereunder. The charge shown as follows, for reproduction rights, each directory, each issue applies only once to each Utility directory issue.

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President





Nevada Bell  
645 E. Plumb Lane, Reno, Nevada  
Tariff P.S.C.N. No. A5.

Original Page No. 68.8  
Cancelling Page No. 1.

A5. EXCHANGE SERVICES

5.7 DIRECTORY SERVICES (Cont'd)

5.7.4 TELEPHONE DIRECTORY REPRODUCTION RIGHTS (Cont'd)

B. REGULATIONS (Cont'd)

10. The estimated charge for listings to be included in a publisher's general directory, collected or incurred hereunder, are refundable or subject to cancellation, upon request, in the event a publisher fails to produce a general directory within 120 days from date of purchase of reproduction rights hereunder. The charge for reproduction rights, each directory, each issue, is not refundable or subject to cancellation.
11. Should the publisher purchase the directory rights and uses the listing information for other than publishing a directory, the publisher will pay the Utility two times the price stated in C. following and will forfeit the right to purchase directory listings at any future time.

C. RATES AND CHARGES

Each Request for Reproduction Rights

	<u>Nonrecurring Charge</u>
- Each Vendor Directory, each issue	\$100.00
- Each 1000 Listings or fraction thereof	200.00

Issued: DEC 2 1987

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Issued by  
R. K. Van Allen  
President

